

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JACQUELINE SMITH,)
Plaintiff,)
)
) CIVIL ACTION NO.:
V.) 4:15-cv-2226
)
)
HARRIS COUNTY, TEXAS,)
Defendant.)

ORAL DEPOSITION OF

JACQUELINE SMITH

May 16, 2017

ORAL AND VIDEOTAPED DEPOSITION OF JACQUELINE SMITH,
produced as a witness at the instance of the Defendant,
and duly sworn, was taken in the above-styled and
numbered cause on the 16th day of May, 2017, from
9:44 a.m. to 3:16 p.m., before Lillian C. Melancon, CSR
in and for the State of Texas, reported by machine
shorthand, at the law offices of Baker Donelson Bearman
Caldwell & Berkowitz, PC, 1301 McKinney Street,
Suite 3700, Houston, Texas 77010, pursuant to notice,
the Federal Rules of Civil Procedure and the provisions
stated on the record or attached hereto.

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10:05:39 1 Q. Do you know if it had been several years or
10:05:43 2 several months?
10:05:49 3 A. I'm not sure.
10:05:53 4 Q. When was the last time you remember him having
10:05:57 5 a job?
10:06:14 6 A. I don't remember the year.
10:06:21 7 Q. Is there any way for you to ballpark it? Was
10:06:26 8 it more than five years before he went to jail in 2012,
10:06:31 9 more than ten years before?
10:06:32 10 A. It wasn't more than five, I don't -- it wasn't
10:06:36 11 more than five.
10:06:38 12 Q. But it might have been a couple of years?
10:06:42 13 A. Yes.
10:06:50 14 Q. What type of work was he doing? The last time
10:06:55 15 you remember him doing work, what type of work was it?
10:07:00 16 A. The last job was meter reader for CenterPoint.
10:07:10 17 Q. Was he a full-time employee for CenterPoint?
10:07:15 18 A. Yes, ma'am.
10:07:16 19 Q. Do you recall how long he had that job?
10:07:21 20 A. I'm not sure, but -- the length, but maybe six
10:07:28 21 months.
10:07:31 22 Q. And you said "maybe six months."
10:07:36 23 What -- what other jobs do you recall him
10:07:39 24 having had in the last ten years?
10:07:41 25 A. Darryl Merchant Design. It's just Darryl &

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10:07:44 1 Company now. He did staging for them.

10:07:49 2 Q. Any other jobs?

10:07:51 3 A. And he worked for a lawn service. And that's
10:08:02 4 all that I remember.

10:08:02 5 Q. Now the job when he worked for Darryl Merchant
10:08:04 6 doing staging, was that staging homes?

10:08:07 7 A. No. It was events -- weddings and different
10:08:12 8 events.

10:08:13 9 Q. Was it steady employment or was it occasional?

10:08:18 10 A. No, it was steady. I worked there as well.

10:08:21 11 Q. What was that time period?

10:08:24 12 A. I don't remember. Maybe it's 11 years ago.

10:08:37 13 Q. Did you work -- was it while you were also
10:08:41 14 working as a nurse assistant?

10:08:43 15 A. No. That was like right before because in
10:08:46 16 between time I've always did nurse assistant for
10:08:51 17 17 years, so in between that, because that would -- the
10:08:52 18 Darryl & Co. is like to go set up a wedding and then go
10:08:57 19 and tear it down, so it was mainly on the weekend.

10:09:02 20 Q. Do you know how long your son did that type of
10:09:06 21 work?

10:09:06 22 A. He did that maybe six months as well, until he
10:09:15 23 had an episode. He couldn't hold on -- you know, he
10:09:26 24 had -- because he had a episode with his bipolar.

10:09:26 25 Q. When you say "an episode," can you describe

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10:16:30 1 2003? Does that sound right to you?

10:16:33 2 A. I'm not sure. I don't remember.

10:16:39 3 Q. But in any event, he was in the Texas
10:16:48 4 Department of Corrections jail in Brazoria County for
10:16:50 5 six years; is that right?

10:16:51 6 A. Yes.

10:16:51 7 Q. Do you know how old he was when he went into
10:16:54 8 jail for that?

10:16:57 9 A. Seven- -- 16 or 17, I'm -- I'm not sure.

10:17:06 10 Q. Do you know with regard to that aggravated
10:17:10 11 robbery case, whether he was found guilty or pled
10:17:15 12 guilty? Do you know?

10:17:16 13 A. I'm not sure.

10:17:21 14 Q. Was that the first time that your son had ever
10:17:28 15 been arrested?

10:17:39 16 A. I'm not sure. I don't remember.

10:17:47 17 Q. And you said -- when I was asking you earlier
10:17:50 18 about when was the first time he exhibited signs of
10:17:54 19 having mental health issues, I believe your testimony --
10:17:54 20 I just want to make sure I understood this correctly --
10:17:59 21 was that you noticed something when he was came out of
10:18:03 22 the jail; is that correct?

10:18:05 23 A. Yes.

10:18:05 24 Q. So up until that point in time prior to his
10:18:09 25 incarceration in Brazoria County, was there any sign to

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10:18:15 1 you that he had any type of mental health condition?

10:18:18 2 A. No.

10:18:28 3 Q. Your son's father, what was his name?

10:18:32 4 A. DeByron (phonetic) Hawkins.

10:18:37 5 Q. He committed suicide; is that correct?

10:18:40 6 A. Yes.

10:18:40 7 Q. When did that happen?

10:18:42 8 A. I don't remember.

10:18:48 9 Q. Was it before or after your son went to

10:18:53 10 Brazoria County jail?

10:18:54 11 A. It was during.

10:18:59 12 Q. Was your son allowed to attend the funeral or

10:19:04 13 anything like that --

10:19:05 14 A. No.

10:19:05 15 Q. -- when he was in jail?

10:19:07 16 A. No.

10:19:17 17 Q. While your son was in jail in Brazoria County,

10:19:23 18 do you know if he received any type of mental health

10:19:28 19 treatment?

10:19:29 20 A. No, I don't.

10:19:34 21 Q. Do you know if, when he was in jail in

10:19:38 22 Brazoria County, whether he was diagnosed with any type

10:19:42 23 of mental health condition?

10:19:45 24 A. I don't know.

10:19:50 25 Q. Do you recall what year your son got out of the

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10:19:57 1 jail in Brazoria County?

10:20:05 2 A. I don't remember. I don't --

10:20:15 3 Q. So when your son got out, he was approximately
10:20:24 4 21, 22 years old; is that correct?

10:20:28 5 A. Yes.

10:20:30 6 Q. How old was he when he died?

10:20:36 7 A. I don't know.

10:20:41 8 Q. Are you okay to continue? You want to take a
10:20:41 9 break, Ms. Smith?

10:20:50 10 MS. HEDGE: Why don't we take a break.

10:20:52 11 THE VIDEOGRAPHER: The time is 10:20 a.m.
10:20:55 12 We're off the record.

10:20:56 13 (Break taken from 10:20 a.m. to
10:24:48 14 10:24 a.m.)

10:24:49 15 THE VIDEOGRAPHER: The time is 10:24 a.m.
10:24:55 16 We're back on the record.

10:24:57 17 Q. (BY MS. HEDGE) All right. Ms. Smith, you're
10:24:59 18 okay to proceed?

10:25:00 19 A. Yes.

10:25:00 20 Q. Okay. I want to go back to something we were
10:25:04 21 talking about earlier about your son's employment.

10:25:07 22 You mentioned that he -- the last job that
10:25:11 23 you could recall that he had was as a meter reader for
10:25:16 24 CenterPoint, and it was your recollection he did that
10:25:19 25 type of work for approximately six months; is that

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10:26:30 1 A. A hundred dollars.

10:26:32 2 Q. A hundred dollars a week? A hundred dollars --

10:26:35 3 A. A hundred dollars a week.

10:26:41 4 Q. When we were talking earlier about the checks

10:26:47 5 from MHMRA, was that -- do you know if that was somehow

10:26:53 6 related to social security and disability benefits?

10:26:56 7 A. I'm not sure.

10:27:00 8 Q. Did you ever see the checks that he received?

10:27:02 9 A. No. For that, the caseworker helped him

10:27:07 10 through all of that.

10:27:08 11 Q. Handled the paperwork?

10:27:10 12 A. Yes.

10:27:14 13 Q. Did he use any of the money he would receive

10:27:17 14 from MHMRA to contribute towards your expenses?

10:27:24 15 A. No.

10:27:30 16 Q. Earlier we talked about your son was in jail in

10:27:35 17 Brazoria County for six years, and he was released from

10:27:40 18 the jail when he was approximately 21 or 22 years old;

10:27:45 19 is that correct?

10:27:45 20 A. Yes.

10:27:45 21 Q. And your son was born in 1986; is that correct?

10:27:51 22 A. Yes.

10:27:52 23 Q. So at the time he was in the Harris County

10:27:57 24 jail, at the time he died he was 27; is that right?

10:28:01 25 A. Yes.

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10:29:42 1 A. I'm not sure what the voices said. He just
10:29:47 2 said he heard voices.

10:29:49 3 Q. While your son was in jail in Brazoria County,
10:29:52 4 did he ever attempt suicide, to your knowledge?

10:29:55 5 A. To my knowledge, no.

10:29:57 6 Q. When was the first time that you became aware
10:30:00 7 that he had attempted suicide?

10:30:05 8 A. Would have been the first time hearing about it
10:30:10 9 when -- oh, no. He took some pills, his medicine. This
10:30:29 10 is when he was home before he went to jail this last
10:30:33 11 time. I don't remember. And that was --

10:30:45 12 You're saying the first time, correct?

10:30:47 13 Q. Right. The first time you became aware that he
10:30:50 14 had ever attempted suicide.

10:30:51 15 A. Yes, that was before he went to jail.

10:30:51 16 Q. Is that --

10:30:55 17 A. The pills, the medicine that he had.

10:30:58 18 Q. Okay. And just to make sure I kind of have the
10:31:02 19 timeline right, when your son got out of the Brazoria --
10:31:05 20 the jail in Brazoria County, that was --

10:31:11 21 And did you know the time period for that,
10:31:14 22 approximately what year that was?

10:31:16 23 A. No.

10:31:16 24 Q. Okay. But in any event, when he was hearing
10:31:20 25 voices when he got out of the jail in Brazoria County,

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10:32:47 1 A. Well, at -- I don't remember the year.

10:32:55 2 Q. Was it between the time he got released from
10:33:00 3 the jail in Brazoria County and his first incarceration
10:33:04 4 in the Harris County jail?

10:33:06 5 A. I don't remember.

10:33:11 6 Q. Do you know what kind of -- strike that.

10:33:19 7 What was the first type of treatment that
10:33:23 8 he began receiving?

10:33:30 9 A. I don't remember. I just know that the
10:33:34 10 caseworker was taking care of all that. I didn't take
10:33:39 11 care of that. She came, you know, and was helping him
10:33:42 12 out, and I don't -- I don't know.

10:33:45 13 Q. When -- did your son -- now you said he took
10:33:49 14 pills while he was home.

10:33:52 15 Did he attempt to commit suicide that way?

10:33:55 16 A. He took some pills. I don't remember how many,
10:34:01 17 but he took some.

10:34:03 18 Q. Is that while he was living at your mother's
10:34:07 19 house with you?

10:34:08 20 A. Yes. Yeah, same time.

10:34:13 21 Q. Did he go to the emergency room?

10:34:15 22 A. Yes.

10:34:16 23 Q. Which one?

10:34:18 24 A. Methodist Willowbrook.

10:34:27 25 Q. How long was he in the hospital?

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10:34:29 1 A. I'm not sure.

10:34:30 2 Q. Was it a couple of days? A couple of weeks? A
10:34:34 3 couple of months?

10:34:35 4 A. Maybe a couple of weeks.

10:34:48 5 Q. While he was at Methodist Willowbrook, at any
10:34:56 6 point during that stay was he in a coma?

10:35:02 7 A. I'm not sure.

10:35:07 8 Q. Were there any other attempts to commit suicide
10:35:12 9 that were made by your son when he was not in jail?

10:35:16 10 A. No.

10:35:21 11 Q. When was the first time you became aware that
10:35:25 12 the voices were telling your son to harm himself?

10:35:30 13 A. I never -- I never knew about him -- the voices
10:35:35 14 telling him to harm himself.

10:35:39 15 Q. When your son was in jail in Brazoria County,
10:35:45 16 did you visit him?

10:35:47 17 A. Yes.

10:35:48 18 Q. How often did you visit him there?

10:35:50 19 A. Once a month or every two weeks.

10:36:01 20 Q. Did any other family members visit him while he
10:36:06 21 was in jail there?

10:36:08 22 A. Yes.

10:36:08 23 Q. Who was that?

10:36:09 24 A. My other three kids, my mother, his other
10:36:13 25 grandmother, and my brother and grandchildren --

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10:37:35 1 Q. How often did they visit?

10:37:36 2 A. The same. We all went together every time.

10:37:39 3 Q. Who else was with you when you went once a
10:37:42 4 month or every two weeks other than you and -- and the
10:37:45 5 siblings?

10:37:46 6 A. Well, it was hard to make because it's only a
10:37:49 7 limited visiting amount. So it would be either me and
10:37:52 8 my mom and maybe three kids, or it would me and my
10:37:55 9 daughter and three kids or -- like we would just
10:37:59 10 alternate it. There was a limited amount of adults that
10:38:05 11 could go.

10:38:10 12 Q. While your son was in jail in Brazoria County,
10:38:15 13 in addition to visiting him, did you send him letters?

10:38:19 14 A. Yes.

10:38:19 15 Q. Did other family members send him letters?

10:38:24 16 A. Yes.

10:38:34 17 Q. When you would visit him in jail in
10:38:38 18 Brazoria County, did he ever talk to you about -- strike
10:38:38 19 that.

10:38:49 20 So when you would visit him -- your son in
10:38:53 21 the Brazoria County jail, he didn't indicate that he was
10:38:55 22 having any mental health issues; is that correct?

10:38:59 23 A. Yes, that's correct.

10:39:06 24 Q. And when your son got out of the jail in
10:39:12 25 Brazoria County, you said he was working with a

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10:39:14 1 caseworker.

10:39:16 2 Do you have any information about what

10:39:17 3 type of treatment he was receiving?

10:39:17 4 A. No, ma'am, I don't.

10:39:19 5 Q. Or what type of medication he was taking?

10:39:22 6 A. I don't.

10:39:26 7 Q. Is there anybody other than yourself that would

10:39:29 8 know that information?

10:39:31 9 A. No.

10:39:46 10 Q. Do you know how many times your son went to

10:39:50 11 jail in Harris County?

10:39:51 12 A. No. I'm not sure.

10:39:56 13 Q. Prior to his last -- last stint in the Harris

10:40:02 14 County jail, when he was in jail prior to that -- let me

10:40:09 15 strike that and start over.

10:40:12 16 Prior to 2012, did you have an occasion to

10:40:15 17 visit your son in the Harris County jail?

10:40:19 18 A. 2012?

10:40:20 19 Q. Prior to that.

10:40:27 20 A. Can you repeat the question?

10:40:28 21 Q. Sure. Prior to 2012, your son was in jail at

10:40:33 22 other times, correct?

10:40:35 23 A. Yes.

10:40:35 24 Q. In the Harris County jail.

10:40:37 25 A. Okay.

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10:40:37 1 Q. During those prior visits in jail -- or prior
10:40:43 2 periods of time when he was in the Harris County jail,
10:40:46 3 did you ever visit him --

10:40:47 4 A. Yes.

10:40:48 5 Q. -- during those other times?

10:40:49 6 A. Yes.

10:40:49 7 Q. Did any other family members go with you?

10:40:52 8 A. Yes.

10:40:54 9 Q. Did you write him letters when he was in the
10:40:59 10 Harris County jail prior to 2012?

10:41:01 11 A. Yes.

10:41:04 12 Q. Were there times when you would go to visit
10:41:08 13 your son in the Harris County jail and you would be told
10:41:13 14 that he wasn't allowed to have visitors?

10:41:17 15 A. Yes.

10:41:20 16 Q. Were you told that the reason your son was not
10:41:25 17 allowed to have visitors was because he had violated
10:41:28 18 rules of the jail?

10:41:30 19 A. No.

10:41:34 20 Q. Was that a question that you asked?

10:41:39 21 A. No, I didn't ask the question. When I went
10:41:42 22 there, it would be like 5 on -- it would say "No
10:41:46 23 visitors for this floor" or something like that.

10:41:49 24 Q. So it was --

10:41:51 25 A. And then --

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10:41:51 1 Q. And I'm sorry. "No visitors for this floor,"
10:41:56 2 meaning none of the inmates on that floor were allowed
10:42:00 3 to have visitors?

10:42:02 4 A. Yes.

10:42:05 5 Q. Is that -- is that the experience that you
10:42:08 6 would have anytime you went to the jail and you weren't
10:42:13 7 allowed to visit your son, was because there would be
10:42:14 8 that sign up?

10:42:17 9 A. Repeat that again.

10:42:18 10 Q. Sure. Did that happen more than once, that you
10:42:23 11 would go to visit your son and there was the sign up
10:42:27 12 that said "No visitors for this floor"?

10:42:30 13 A. It happened more than once.

10:42:33 14 Q. Approximately how many times do you recall?

10:42:35 15 A. I don't recall.

10:42:40 16 Q. Was there any other time that you went to go
10:42:43 17 visit your son and there was not the sign up that said
10:42:47 18 "No visitors this floor" but you were told you could not
10:42:53 19 see your son?

10:42:53 20 A. No.

10:42:53 21 Q. So as far as you know, the only time you
10:42:55 22 couldn't see your son in the Harris County jail was when
10:42:58 23 there was a sign up that said "No visitors for this
10:43:07 24 floor"?

10:43:02 25 A. Yes.

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10:43:09 1 Q. When you saw that sign up, did you inquire of
10:43:13 2 anybody at the Harris County jail as to what that meant?

10:43:13 3 A. Yes.

10:43:13 4 Q. What did they tell you?

10:43:15 5 A. They told us that the pod maybe had a fight,
10:43:18 6 the whole area maybe had a fight and got in trouble, it
10:43:25 7 wasn't just him as an individual. So they wasn't having
10:43:28 8 any visitors at that time.

10:43:30 9 Q. Anything else other than there was maybe a
10:43:33 10 fight in the pod area? Any other reason they ever told
10:43:37 11 you why the floor was not allowing visitors?

10:43:41 12 A. They didn't explain it to me, but it was a time
10:43:45 13 that -- that he had -- didn't have visitors, but no one
10:43:48 14 explained to me why he didn't have visitors, but he had
10:43:51 15 got him done, he had got beat up, but no one ever called
10:43:54 16 us and when I went to visit, he couldn't have visitors,
10:43:57 17 but they didn't say anything.

10:43:59 18 Q. So --

10:43:59 19 MS. HEDGE: And I'll object as
10:44:01 20 nonresponsive.

10:44:03 21 Q. (BY MS. HEDGE) When you said -- I asked you
10:44:04 22 previously if you inquired as to why the sign was up,
10:44:08 23 "No visitors for this floor," and your response that --
10:44:11 24 because there had been a fight in the pod hall.

10:44:13 25 A. Yes.

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10:48:19 1 He always liked to be by himself.

10:48:19 2 Q. But that was normal for him, correct?

10:48:22 3 A. Uh-huh.

10:48:22 4 Q. Yes?

10:48:22 5 A. Yes.

10:48:23 6 Q. So the norm -- the norm for him -- and this
10:48:27 7 would be prior to him going being in jail, correct? Let
10:48:33 8 me ask the questions a different way.

10:48:35 9 Before your son became incarcerated in
10:48:41 10 Brazoria County, did he watch TV, hang out, and take
10:48:45 11 long walks?

10:48:47 12 A. Well, he always been by himself. He liked to
10:48:50 13 be by himself. He had a few friends but he liked to
10:48:53 14 just be by himself.

10:48:55 15 Q. Okay. And so those activities that you were
10:48:57 16 describing as what was normal for him, watching TV and
10:49:00 17 hanging -- hanging out -- I'm assuming that's hanging
10:49:03 18 out at the house?

10:49:05 19 A. Yes.

10:49:05 20 Q. -- and taking long walks, prior to him being
10:49:09 21 incarcerated in Brazoria County, were those -- was that
10:49:12 22 how he lived his life? Was that normal for him back
10:49:18 23 then, too?

10:49:21 24 A. I'm not understanding.

10:49:23 25 Q. Okay. When your son got out of jail in

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11:28:08 1 County at any point in time?

11:28:10 2 A. I don't know.

11:28:11 3 Q. Is there anybody other than yourself that would
11:28:14 4 know that?

11:28:14 5 A. No.

11:28:22 6 Q. Are you aware of any point in time when your
11:28:26 7 son was in the Harris County jail that he refused to
11:28:28 8 take medication?

11:28:32 9 A. Well, there was a time that he was having them
11:28:54 10 under his tongue and it was a hundred pills that -- how
11:29:03 11 could he save them? -- that he didn't take.

11:29:14 12 Q. Okay. So there was an instance, and I know
11:29:18 13 there was a period of time when he was in the Harris
11:29:20 14 County jail when he took a lot of the pills and he had
11:29:24 15 to go to the hospital.

11:29:26 16 A. Yeah. And I would -- I only found that out
11:29:29 17 through the nurse, not through Harris County.

11:29:32 18 Q. Okay. And when you say you found that out from
11:29:35 19 the nurse, the nurse at the hospital?

11:29:36 20 A. Yes.

11:29:37 21 Q. Okay. So at some point during your son's
11:29:43 22 incarceration in the Harris County jail, he had, for
11:29:47 23 lack of a better term, stockpiled his medication; is
11:29:52 24 that correct?

11:29:52 25 A. He put it under his tongue.

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11:29:55 1 Q. In other words, he would put it in his mouth,
11:29:55 2 put it under his tongue, but then not swallow it?

11:29:59 3 A. Yes.

11:30:00 4 Q. And -- and then to indicate to the guard that
11:30:02 5 he was taking the medication, but then in actuality he
11:30:06 6 wasn't; is that correct?

11:30:06 7 A. I think so.

11:30:09 8 Q. And it's your understanding that this happened
11:30:13 9 numerous times in a row to where he had stockpiled his
11:30:18 10 medication; is that correct?

11:30:18 11 A. I don't know how many times.

11:30:21 12 Q. Now you mentioned a hundred pills.
11:30:24 13 How did you find out about --

11:30:26 14 A. The nurse called and told us.

11:30:28 15 Q. Okay. So the nurse said that that's how many
11:30:31 16 he had ingested?

11:30:32 17 A. Yes. And she said that he had hid them under
11:30:36 18 his tongue and that he was very sick and that she was a
11:30:39 19 mother and that she was not supposed to call me but she
11:30:45 20 called me anyway.

11:30:50 21 MS. HEDGE: Are you okay, Ms. Smith? You
11:30:50 22 want to take a break?

11:30:54 23 Let's take a break.

11:30:56 24 THE VIDEOGRAPHER: The time is 11:30 a.m.
11:30:59 25 We're off the record.

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11:40:12 1 nonresponsive.

11:40:12 2 Q. (BY MS. HEDGE) If there is an inmate that is
11:40:15 3 known to be violent physically towards other inmates,
11:40:21 4 would you want your son to be housed with that person?

11:40:23 5 MS. NADER: Objection, calls for
11:40:25 6 speculation.

11:40:29 7 A. I wouldn't want him to be housed with any
11:40:34 8 violent person, but like, again, he's in jail, what can
11:40:37 9 I do?

11:40:40 10 MS. HEDGE: Objection, nonresponsive to
11:40:43 11 everything after "I would not want him to be housed with
11:40:48 12 any inmate that is violent."

11:40:53 13 Q. (BY MS. HEDGE) Just want to make sure the
11:40:56 14 record's clear.

11:40:57 15 If there was an inmate that was known to
11:41:01 16 assault other inmates physically, would you want your
11:41:05 17 son housed with that inmate?

11:41:07 18 A. No.

11:41:07 19 Q. And part of the reason for that was because
11:41:09 20 there would be a danger for the safety of your son,
11:41:11 21 correct?

11:41:11 22 A. Yes.

11:41:16 23 Q. You mentioned that your son liked to be alone;
11:41:24 24 is that correct?

11:41:24 25 A. Yes.

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11:41:24 1 Q. And that was both before and after he was in
11:41:29 2 the Brazoria County jail; is that correct?
11:41:33 3 A. That's correct.
11:41:33 4 Q. That was something that was just how he had
11:41:36 5 been his entire life?
11:41:37 6 A. Because he don't like trouble, yes.
11:41:42 7 Q. Do you think that your son preferred to be in a
11:41:46 8 cell by himself?
11:41:49 9 A. I -- I don't know if he did or not. I don't
11:41:49 10 know.
11:41:49 11 Q. Did you --
11:41:53 12 A. I never talked to him about that.
11:41:55 13 Q. That was going to be my next question, is --
11:41:57 14 A. Yes.
11:41:57 15 Q. -- whether you ever had conversations with him
11:42:00 16 about that.
11:42:01 17 A. No, not about that in jail.
11:42:13 18 Q. I know we talked earlier about the fact that
11:42:16 19 you are not familiar with the training that the Harris
11:42:20 20 County jail staff members go through, correct?
11:42:23 21 A. Yes.
11:42:23 22 Q. You're not claiming, are you, that Harris
11:42:27 23 County failed to properly train its staff members, are
11:42:31 24 you?
11:42:32 25 A. Say it again.

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01:29:56 1 Q. (BY MS. HEDGE) You'd agree with that?

01:29:58 2 A. Yes.

01:30:16 3 Q. In this lawsuit, is it your position that there

01:30:22 4 should not have been a smoke detector in your son's

01:30:27 5 cell?

01:30:27 6 MS. NADER: Objection, legal conclusion.

01:30:35 7 A. No.

01:31:10 8 Q. (BY MS. HEDGE) Your complaint in this lawsuit

01:31:14 9 is not with regard to the use of the smoke detector in

01:31:28 10 your son's cell; is that correct?

01:31:23 11 MS. NADER: Objection, form.

01:31:29 12 A. Can you repeat the question?

01:31:33 13 Q. (BY MS. HEDGE) Sure. In terms of what you

01:31:42 14 believe Harris County should have done differently in

01:31:46 15 providing a cell for your son to be in, is your

01:31:56 16 contention that -- strike that.

01:32:05 17 Did you ever go visit your son in jail in

01:32:08 18 the wintertime?

01:32:10 19 A. Yes.

01:32:11 20 Q. Was it cold in the jail when you saw him?

01:32:18 21 A. In winter, yes.

01:32:28 22 Q. Did you ever talk to your son about whether it

01:32:33 23 was cold in his cell in the wintertime?

01:32:37 24 A. Yes.

01:32:38 25 Q. What did he tell you?

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01:32:39 1 A. He said it was cold, they didn't provide
01:32:43 2 blankets.
01:32:44 3 Q. He told you they did not provide blankets?
01:32:49 4 A. Yes.
01:32:54 5 Q. At what point in time did he tell you that?
01:32:58 6 A. I don't remember.
01:33:00 7 Q. Was it during his last incarceration in Harris
01:33:13 8 County jail?
01:33:13 9 A. I don't remember.
01:33:14 10 Q. Did he tell you if there was any reason that he
01:33:15 11 was not given a blanket?
01:33:18 12 A. No.
01:33:22 13 Q. Did you inquire of the Harris County jail staff
01:33:28 14 why your son was not being given a blanket when it was
01:33:37 15 cold outside -- or cold in the jail?
01:33:39 16 A. No.
01:33:49 17 Q. Do you understand that your son was provided a
01:33:53 18 sheet while he was in the Harris County jail to keep him
01:33:59 19 warm?
01:34:00 20 A. Yes.
01:34:01 21 Q. Did your son tell you whether or not the sheet
01:34:10 22 had ever been taken away from him while he was in the
01:34:15 23 Harris County jail?
01:34:17 24 A. No.
01:34:25 25 Q. Have you yourself ever had any conversations

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01:34:35 1 with any mental health provider about how to deal with
01:34:40 2 someone who's suicidal?

01:34:50 3 A. The provider, the MHMRA provider, she used to,
01:34:56 4 always left brochures and things like that, but no -- no
01:35:01 5 specifics when he would go to the -- to like a -- when
01:35:09 6 they have to -- the word I'm trying to use, when they
01:35:22 7 were observing him, that she would just leave brochures
01:35:25 8 with him, he would come home with them, all what she
01:35:29 9 brought him or they would always just provide us with
01:35:33 10 information.

01:35:33 11 Q. Did the information that you received ever tell
01:35:36 12 you things like someone may be feeling -- someone who
01:35:43 13 has a mental issue may be suicidal today but not be
01:35:46 14 suicidal tomorrow?

01:35:47 15 MS. NADER: Objection, form.

01:35:48 16 A. No.

01:35:50 17 Q. (BY MS. HEDGE) Or is your understanding that
01:35:53 18 if someone is suicidal that they are suicidal 24 hours a
01:35:58 19 day?

01:35:59 20 A. No.

01:36:01 21 Q. That's not your understanding?

01:36:02 22 A. No, ma'am.

01:36:13 23 Q. Was it your understanding with regard to your
01:36:17 24 son that he went through periods of time when he felt
01:36:22 25 like he was going to hurt himself or harm himself and

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01:36:26 1 periods of time when he didn't? Do you agree with that?

01:36:35 2 A. He never tried to hurt himself, just that one
01:36:44 3 time with the medicine, but he -- if he was on the
01:36:52 4 medication, I'm not -- I don't know.

01:36:56 5 Q. Well, and I think you gave a good example, that
01:36:59 6 when he was living at home, there was a period of time
01:37:03 7 when he appeared to be fine to you but then on another
01:37:07 8 day he tried to kill himself, right?

01:37:11 9 A. No.

01:37:11 10 Q. Well, the day that he took pills, was that an
01:37:15 11 attempt to kill himself when he was at home?

01:37:19 12 A. Well, yeah, that one he took the -- the
01:37:23 13 medicine, yes.

01:37:25 14 Q. But the day before he took the medicine, he
01:37:29 15 didn't appear to you to be suicidal; is that correct?

01:37:33 16 A. He -- not suicidal, no. He just wasn't normal,
01:37:39 17 just -- he always was to himself and singing out loud
01:37:47 18 and all that. No.

01:37:51 19 Q. But you -- you yourself got to experience that
01:37:54 20 there would be some days he would appear to be his
01:38:00 21 normal self -- singing, rapping, hanging to himself,
01:38:04 22 hanging by himself -- or keeping to himself rather, but
01:38:12 23 then that one instance when he took the pills and ended
01:38:16 24 up in the hospital for several weeks, right?

01:38:19 25 MS. NADER: Objection, form.

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01:41:24 1 You're not taking the position in this
01:41:26 2 lawsuit that your son should not have been allowed to
01:41:30 3 have a bedsheet in February 2014, are you?

01:41:35 4 MS. NADER: Objection, form.

01:41:36 5 A. Can you rephrase the question?

01:41:40 6 Q. (BY MS. HEDGE) Sure. In February 2014, do you
01:41:44 7 know if it was cold in the -- in the jail at that time?

01:41:48 8 A. In February, I'm more than sure it was cold.

01:41:51 9 Q. You're not contending in this lawsuit that the
01:41:55 10 jail should have not given your son a bedsheet to keep
01:42:02 11 him warm, are you?

01:42:04 12 MS. NADER: Objection, form.

01:42:06 13 A. I'm trying to figure out how you -- you're
01:42:11 14 saying -- you're asking me am I -- wait.

01:42:17 15 Q. (BY MS. HEDGE) You want me to ask it again?

01:42:20 16 A. Yes, just to make -- yeah.

01:42:22 17 Q. Okay. Your son is in the jail in February 2014
01:42:26 18 and it's cold in the jail.

01:42:28 19 You don't believe that Harris County
01:42:30 20 should have not given him a bedsheet, do you?

01:42:33 21 MS. NADER: Objection, form.

01:42:34 22 A. No.

01:42:35 23 Q. (BY MS. HEDGE) And you'd agree it would be not
01:42:41 24 a very nice thing to do to keep him from having a
01:42:44 25 bedsheet if it were cold; is that correct?

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01:42:47 1 MS. NADER: Objection, form.

01:42:48 2 A. Yes.

01:43:00 3 Q. (BY MS. HEDGE) I want to ask you about
01:43:03 4 something a little bit different.

01:43:07 5 Are you aware of Harris County receiving
01:43:11 6 any type of federal funding?

01:43:15 7 A. For me or him or --

01:43:17 8 Q. I'm just asking just in general.

01:43:19 9 Are you aware of the Harris County jail
01:43:23 10 receiving any federal funding?

01:43:26 11 A. No.

01:43:42 12 Q. You would agree with me, Ms. Smith, that the
01:44:02 13 Harris County jail staff saved your son's life a number
01:44:06 14 of times; is that correct?

01:44:09 15 MS. NADER: Objection, form.

01:44:16 16 Q. (BY MS. HEDGE) Would you agree with that?

01:44:21 17 A. No. How was that -- oh, the -- when -- the
01:44:30 18 three times that the officers tried to save him and
01:44:35 19 they -- they didn't notify me of it. I didn't know
01:44:37 20 about the three times.

01:44:40 21 MS. HEDGE: I'll object as not responsive.

01:44:47 22 Q. (BY MS. HEDGE) You're aware that you son,
01:44:48 23 prior to February 2014, attempted suicide several times;
01:44:54 24 is that correct?

01:44:54 25 A. Yes.

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01:56:16 1 did you?

01:56:17 2 A. No.

01:56:30 3 Q. Have you ever written any letters -- other than
01:56:33 4 the letters that you wrote to your son, did you write
01:56:37 5 any letters to anybody at Harris County concerning your
01:56:41 6 son?

01:56:41 7 A. Yes.

01:56:42 8 Q. Who did you write to?

01:56:44 9 A. The judge that was handling the case. I can't
01:56:50 10 really -- I think Mike or Mark.

01:56:52 11 Q. McSpadden?

01:56:54 12 A. Yes. We wrote him -- or I wrote several
01:56:56 13 letters, my daughter typed up several letters, and his
01:57:01 14 grandmother Lorene wrote letters. And then we wrote
01:57:06 15 Adrian Garcia, and that was --

01:57:12 16 Q. You wrote letters to Sheriff Garcia?

01:57:16 17 A. Yes.

01:57:16 18 Q. Were they typed up or were they handwritten?

01:57:21 19 A. Typed up.

01:57:22 20 Q. Did your sister type them?

01:57:24 21 A. Daughter.

01:57:26 22 Q. Daughter, I'm sorry.

01:57:27 23 And which daughter was that?

01:57:27 24 A. It probably was DeAndria that typed the letter
01:57:30 25 because she normally helps me out with all of that.

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01:57:31 1 Q. Does she go by DeeDee?

01:57:33 2 A. Yes.

01:57:34 3 Q. How many letters did you send to
01:57:39 4 Sheriff Garcia?

01:57:39 5 A. I think it was two. And that was back in -- I
01:57:44 6 don't know, like between 2008 and '10, I think. Yeah,
01:57:52 7 because I was working at -- for Sherianda (phonetic),
01:57:58 8 yes, because I had -- yeah. So it was between two
01:58:00 9 thousand -- excuse me -- 2008 and '10 or 2009 and '10.

01:58:06 10 Q. So it was one of the prior incarcerations?

01:58:09 11 A. Yes.

01:58:09 12 Q. And the letters that went to Judge McSpadden,
01:58:14 13 were that -- those also at the same period?

01:58:14 14 A. No. That was this time when he was -- this
01:58:16 15 last time he was in. We was trying to get him to either
01:58:23 16 a mental facility to help him, you know, instead of
01:58:25 17 being in there. We was trying to get him to go back to
01:58:29 18 Rusk or the other mental facility that he was at.
01:58:32 19 That's what we was pulling for.

01:58:34 20 Q. So in other words, you were trying to get your
01:58:35 21 son committed to a mental health facility instead of
01:58:39 22 being in the jail, and that's why you were writing
01:58:45 23 letters to Judge McSpadden?

01:58:45 24 A. We was trying to get him some help because it
01:58:47 25 didn't seem like he was getting any help.

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02:04:17 1 that handles mental health patients?

02:04:27 2 A. Yes, I think. I'm not -- I guess I'm not
02:04:32 3 understanding if that's the same as us trying to write
02:04:35 4 the judge to get help.

02:04:37 5 Q. Well, and that's kind of where I'm going with
02:04:37 6 this.

02:04:37 7 You talked about letters that you had
02:04:39 8 written to the judge, and I'm wondering whether there
02:04:41 9 was any formal pleading that was typed out and filed in
02:04:44 10 the court record.

02:04:49 11 A. Oh, that wasn't filed, no. We just was writing
02:04:52 12 the letters. Sorry.

02:04:56 13 Q. Do you have copies of any of the letters to the
02:04:59 14 judge that were sent?

02:05:02 15 A. I thought I put one in the -- in the -- the
02:05:10 16 attorneys, I'm sure. I thought I saved them one, but if
02:05:13 17 not, my daughter still has it on her computer.

02:05:18 18 Q. So those letters are still accessible?

02:05:24 19 A. Yes.

02:05:25 20 Q. Would you be agreeable to, if you haven't
02:05:29 21 already given them to your lawyer, to ask your daughter
02:05:31 22 to provide them to you so they could be produced?

02:05:35 23 A. Yes.

02:05:44 24 Q. Have you ever -- well, strike that.

02:05:48 25 Are you familiar with something called an

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02:05:51 1 Inmate Care Concern? Have you heard of that before?

02:05:55 2 A. No.

02:05:56 3 Q. Have you filled out any other type of paperwork
02:06:00 4 on behalf of your son to make complaints to the Harris
02:06:04 5 County jail?

02:06:06 6 A. I haven't, no.

02:06:07 7 Q. Are you aware of any other family members doing
02:06:11 8 that?

02:06:11 9 A. I think his grandmother Lorene did.

02:06:15 10 Q. And can you tell me what it is that she did?

02:06:18 11 A. I don't know, but I just heard her like talking
02:06:21 12 about different things, and, you know, just trying to
02:06:22 13 get help. And she lives way in Magnolia, so we didn't
02:06:25 14 really -- well, I don't know -- know exactly what she
02:06:29 15 did.

02:06:29 16 Q. And the complaint -- and there are complaints
02:06:32 17 that she made?

02:06:33 18 A. I think so.

02:06:34 19 Q. Do you know if they were -- if that was related
02:06:36 20 to the letters that were being sent to Judge McSpadden
02:06:44 21 or to the sheriff?

02:06:46 22 A. I don't think so. I think they were just
02:06:47 23 pleadings and, you know, just trying to figure out where
02:06:50 24 we can get answers or some help from. I don't think
02:06:51 25 that was related to that. I'm not sure.

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02:21:08 1 that he was placed in was not a safe cell?

02:21:12 2 MS. NADER: Objection, calls for a legal
02:21:14 3 conclusion, calls for speculation, form.

02:21:18 4 A. I don't know.

02:21:23 5 Q. (BY MS. HEDGE) Well, you stated earlier that
02:21:33 6 you thought that your son should be monitored more
02:21:37 7 closely than he was; is that correct?

02:21:43 8 A. Yes.

02:21:47 9 Q. And you believe that being monitored every
02:21:53 10 20 to 25 minutes was not sufficiently close enough; is
02:22:05 11 that correct?

02:22:05 12 A. Yes.

02:22:06 13 Q. And if the only way that your son would have
02:22:07 14 gotten closer monitoring would have been for him to stay
02:22:10 15 in the mental health unit, would you agree that that
02:22:13 16 mental health doctor should not have released him back
02:22:18 17 to his cell?

02:22:19 18 MS. NADER: Objection, form.

02:22:21 19 A. Yes.

02:22:24 20 Q. (BY MS. HEDGE) I want to ask you a question
02:22:32 21 about a quote that's in the complaint.

02:22:38 22 Did you have a chance to review the
02:22:42 23 pleading that your lawyers -- lawyers filed before it
02:22:45 24 was filed?

02:22:46 25 A. I don't know.

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02:47:00 1 in -- in the pod, cell block that he was in, correct?

02:47:06 2 A. Okay.

02:47:07 3 Q. You recall that testimony?

02:47:08 4 A. Yes.

02:47:09 5 Q. Is it your position that your son should have
02:47:13 6 had somebody watching him constantly, in other words,
02:47:20 7 eyes on him 24 hours a day on February 5th, 2014 because
02:47:27 8 of his mental condition at that time?

02:47:30 9 A. Well, at that time, yes.

02:47:32 10 Q. And if the only way that that could be
02:47:35 11 accomplished would be for him to be in the mental health
02:47:40 12 unit under MHMRA's care, is it your position that's
02:47:45 13 where he should have been?

02:47:47 14 MS. NADER: Objection, form.

02:47:52 15 A. Yes.

02:48:00 16 Q. (BY MS. HEDGE) You understand you have an
02:48:03 17 expert witness that's been hired in this case?

02:48:07 18 You understand that?

02:48:07 19 A. No.

02:48:07 20 Q. I'll represent to you that your lawyers have
02:48:11 21 filed a Designation of Expert Witnesses and an expert
02:48:15 22 has been retained named Harvey Norris, from Boyce,
02:48:15 23 Louisiana.

02:48:22 24 Have you heard that name before?

02:48:26 25 A. I don't remember. I probably have.

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE SOUTHERN DISTRICT OF TEXAS
 HOUSTON DIVISION

3 JACQUELINE SMITH,
 4 Plaintiff,

5 V.

6 HARRIS COUNTY, TEXAS,
 7 Defendant.

)
)
)
) CIVIL ACTION NO.:
) 4:15-cv-2226
)
)
)

8 REPORTER'S CERTIFICATION
 9 DEPOSITION OF JACQUELINE SMITH
 MAY 16, 2017

10 I, LILLIAN C. MELANCON, Certified Shorthand
 11 Reporter, hereby certify to the following:

12 That the witness, JACQUELINE SMITH, was duly
 13 sworn by the officer and that the transcript of the oral
 14 deposition is a true record of the testimony given by
 15 the witness;

16 That the deposition transcript was submitted on
 17 June 14, 2017, to the witness or to the
 18 attorney for the witness for examination, signature and
 19 return to me by July 17, 2017;

20 That pursuant to information given to the
 21 deposition officer at the time said testimony was taken,
 22 the following includes counsel for all parties of
 23 record:

24 Ms. Wallis Nadar, Ms. Hannah Herzog, and Mr. Katriel
 Statman - attorneys for Plaintiff JACQUELINE SMITH
 25 Ms. Laura Beckman Hedge and Mr. Keith Toler - attorneys
 for Defendant HARRIS COUNTY ATTORNEY'S OFFICE

1 I further certify that I am neither counsel for,
2 related to, nor employed by any of the parties or
3 attorneys in the action in which this proceeding was
4 taken, and further that I am not financially or
5 otherwise interested in the outcome of the action.

6 Certified to by me this 14 day of

7 June, 2017.

8
9 

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